

REMARKS

This responds to the Office Action mailed on December 17, 2008.

Claims 1, 5, 12-15, 19, 27, and 29 are amended; claim 3 was previously cancelled, without prejudice to or disclaimer by the Applicant; as a result claims 1-2 and 4-39 are now pending in this application.

Example support for the amendments may be found throughout the original filed specification. By way of example only the Examiner's attention is directed to the original filed specification paragraphs.

§103 Rejection of the Claims

Claims 1-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Publication No. 2002/0099649; hereinafter "Lee") in view of Cook (U.S. 6,853,987), in view of Findley (U.S. 6,108,642) and further in view of Tsiounis et al. (U.S. Publication No. 2001/0039535; hereinafter "Tsiounis"). Obviousness requires that each and every element in the rejected claims be taught or suggested in the proposed combination of references.

The proposed combination fails to teach or suggest the newly recited elements in the independent claims.

Specifically, the cited combination of references fail to show intermediary interaction between a payment facilitator and a financial institution to request additional information from the buyer or seller via email messages, such arrangements are done via a phone conversation and are not shown or suggested in the manner recited in the amended independent claims.

Additionally, a number of the dependent claims have removed the reliance on "at least one of" such that now each of their recited elements must be shown in the cited references of record, which Applicant respectfully contends they cannot be.

Therefore, Applicant respectfully asks that the learned Examiner remove the rejections of record and permit the claims to be allowed.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 05-21-09

By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 21, 2009.

Chris Bartl
Name


Signature